

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

RICHARD WEST and JOSEPH BRUYETTE,
individual and on behalf of a class of similarly
situated persons;

Plaintiffs,

v.

MICHAEL SMITH, in his official capacity
only, as Vermont Secretary of Human
Services; JANE DOE, Vermont Deputy
Secretary of Human Services; JAMES
BAKER, Vermont Department of Corrections
Interim Commissioner; JOHN DOE, Vermont
Department of Corrections Health Services
Director, in their official capacities; and
VITALCORE HEALTH STRATEGIES, LLC,

Defendants.

Case No. 2:19-cv-00181-WKS

**JOINT MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT
AND APPROVAL OF CLASS NOTICE**

Pursuant to Fed. R. Cov. P. 23(e), Plaintiffs Richard West and Joseph Bruyette, on behalf of themselves and as representatives of the certified class, hereby move the Court, jointly with Defendants Secretary Mike Smith, Commissioner James Baker and John/Jane Does, and VitalCore Health Strategies, LLC, for preliminary approval of the class settlement of this matter, and approval of the form notice to be sent to class members. This motion is supported by a memorandum and declaration, to be filed contemporaneously.

DATED: June 11, 2021

/s/ Kevin Costello

Kevin Costello
Director of Litigation
Center for Health Law & Policy Innovation
Harvard Law School
617-496-0901
kcostello@law.harvard.edu

James M. Diaz
Lia Ernst
ACLU Foundation of Vermont
90 Main Street, Suite 200
Montpelier, VT 05602
(802) 223-6304
jdiaz@acluvt.org
lernst@acluvt.org

James Valente
Costello, Valente & Gentry, P.C.
51 Putney Road
Brattleboro, VT 05301
(802) 257-5533
valente@cvglawoffice.com

Attorneys for Plaintiffs and Class

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

BY: /s/ Jared Bianchi

Jared Bianchi
Assistant Attorney General
280 State Drive, HC2N
Waterbury, VT 05671-2080
(802) 241-0194
jared.bianchi@vermont.gov

Attorney for Defendants
Secretary Mike Smith
Commissioner James Baker

/s/ Pamela Eaton

Pamela Eaton
Stephen Soule
Paul Frank + Collins P.C.
P.O. Box 1307
Burlington, VT 05402-1307
802.658.2311
ssoule@pfclaw.com
peaton@pfclaw.com

*Attorneys for
VitalCore Health Strategies, LLC*

CERTIFICATE OF SERVICE & CONFERENCE

I hereby certify that the Parties have conferred in advance of filing this motion. I also hereby certify that on June 11, 2021, I electronically filed with the Clerk of Court the foregoing document using the CM/ECF system. The CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to all counsel of record.

s/ Kevin Costello

Kevin Costello
(admitted *pro hac vice*)
Center for Health Law & Policy Innovation
Harvard Law School
1585 Massachusetts Avenue
Cambridge, MA 02138
(617) 496-0901
kcostello@law.harvard.edu

Dated: June 11, 2021